

### REMARKS

In the office action, claims 77-96 have been rejected under the judicially created doctrine of double patenting over claims 1-31 of U.S. Patent No. 6,541,520. Claims 1-76 (directed to a non-elected invention) have been cancelled by this amendment. Claims 77-96 are presently pending in the application.

The Examiner has indicated that filing a Terminal Disclaimer may be used to overcome the provisional obviousness-type double patenting rejection. Therefore, a terminal disclaimer is being submitted herewith with respect to the present invention and the invention claimed in the '520 patent. Accordingly, Applicants respectfully submit that the rejection based on the judicially created doctrine of obviousness-type double patenting has been overcome.

In the office action, the Examiner has requested that Applicants review their patent portfolio to determine if there are other applications which may be subject to an obvious type double patenting rejection.

In response, Applicants bring the Examiners attention the following issued U.S. patents that the present application is a continuation of:

- (i) U.S. Patent No. 6,323,239 which claims a method for changing addiction related behavior by administering gamma vinyl GABA (GVG);

Appl. No. 09/933,157; Filed August 20, 2001  
Amendment Dated November 21, 2003  
Reply to Office Action of August 21, 2003

(ii) U.S. Patent No. 6,593,367 which claims a method for changing addiction related behavior by administering GVG;


(iii) application serial number 09/189,166 filed November 9, 1998, in which claims have been allowed directed to a method of treating nicotine addiction by administering GVG; and

(iv) co-pending application serial number 09/776,117 filed February 2, 2001.

The Examiner has indicated that filing a Terminal Disclaimer may be used to overcome a provisional obviousness-type double patenting rejection. Applicants herewith submit terminal disclaimers with respect to the above-mentioned issued patents and co-pending application. Accordingly, Applicants respectfully submit that any rejection based on the judicially created doctrine of obviousness-type double patenting has been overcome.

Applicants believe that the application is in condition for allowance. If the Examiner has any questions or comments relating to the present invention, he or she is respectfully invited to contact Applicants' attorney at the telephone number set forth below.

Respectfully submitted,

  
Margaret C. Bogosian  
Attorney for Applicants  
Registration No. 25, 324

Date: November 21, 2003

Margaret C. Bogosian, Patent Counsel  
Brookhaven National Laboratory  
Office of Intellectual Property and Sponsored Research  
Building 475D – P.O. Box 5000  
Upton, New York 11973  
(631) 344-7338